

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

REBECCA WINDRICK ABEL

PLAINTIFF

V.

NO. 4:16-CV-00068-DMB-JMV

**BANK OF WINONA;
J. LANE GREENLEE**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 8, 2016, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation recommending that Rebecca Windrick Abel's motion to proceed in forma pauperis, Doc. #2, be denied, and that this action be dismissed without prejudice. Doc. #12 at 11. On June 22, 2016, Abel filed a "Validation Letter," which this Court liberally construes as an objection to the report and recommendation.

Where objections to a report and recommendation have been filed, a court must conduct a "de novo review of those portions of the ... report and recommendation to which the Defendants specifically raised objections. With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record." *Gauthier v. Union Pac. R.R. Co.*, 644 F.Supp.2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Serv. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)).

Abel's "Validation Letter," in essence, argues that Judge Virden (and ostensibly this Court) lacks jurisdiction over Abel because the Court's flag is adorned with a gold fringe, in violation of United States and divine law. This argument was considered by United States District Judge Dean Whipple of the Western District of Missouri who, after noting that "Courts have labeled the position as 'frivolous', 'totally frivolous', 'preposterous,' and 'a really

unintelligible assertion,”” elected to examine the law of the flag “in the interest of killing this argument for good.” *McCann v. Greenway*, 952 F.Supp. 647, 651 (W.D. Mo. 1997) (internal alterations and footnotes omitted). Judge Whipple, after considering statutes, Army regulations, an executive order, and an opinion of the United States Attorney General, concluded that “[j]urisdiction is a matter of law, statute, and constitution, not a child’s game wherein one’s power is magnified or diminished by the display of some magic talisman.” *Id.* at 651.

Adopting the reasoning of Judge Whipple’s opinion in *McCann*, this Court **OVERRULES** Abel’s objections [14] to the report and recommendation.

Additionally, having reviewed the report and recommendation for clear error and found none, the Court **ADOPTS** Judge Virden’s report and recommendation [12] as the order of this Court.¹ Accordingly, Abel’s motion to proceed in forma pauperis [2] is **DENIED** and this action is **DISMISSED** without prejudice.

Finally, Abel’s motion titled, “Order Denying Debtor’s Motion for Sanctions, Motion for Change of Venue and Motion to Recuse” [5], which appears to seek dismissal and transfer of a Montgomery County Justice Court case, is **DENIED** because Abel has not shown any grounds for the requested relief.

SO ORDERED, this 28th day of June, 2016.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ De novo review by this Court of Judge Virden’s conclusions would produce the same result.